



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, October 20, 2015**  
**6:00 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**LTAB Members:** Alicia DiBenedetto-Neubauer  
Dan Roszkowski  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Tom Fabiano  
Melissa Luciani-Beckford

**Absent:** Craig Sockwell

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Angela Hammer – Assistant City Attorney  
Sandra Hawthorne - Administrative Assistant  
Josh Carpenter - Rockford Police Department

**Others:** Kathy Berg - Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, October 26 at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:53 P.M. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the September 15th meeting as written. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0 with Craig Sockwell absent.

**015-LTAB-38**

Applicant  
Ward 06

**3301 & 3305 11<sup>th</sup> Street & 33XX Lapey Street**

William J. Opsahl III / Opsahl's Spin-N-Win Inc. d/b/a Opsahl's Tavern  
**Sale of liquor by the drink** in conjunction with a tavern and restaurant with an outdoor seating area and a video gaming facility in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of the 11<sup>th</sup> Street and Roosevelt Road intersection. William Opsahl III, was present. He stated this business has been in operation for over 40 years, started by his father. Mr. Opsahl had some concerns regard Staff conditions as written in Staff report. Mr. Opsahl explained that when the road was widened, the sidewalk was put in 9 feet from the street. This left little room for green space in addition to the 9 feet between the sidewalk and the road. He further stated the sign on the roof has been there for over 40 years and questioned why it must be removed. Mr. Opsahl stated he lost a lot of parking space when the road was widened as well.

Mr. Capovilla explained that when a business comes before the Zoning Board with an application, Staff also looks at the property to see if it needs to be brought into compliance with current codes. This includes signage as well. Because this property has frontage on two streets, a wall sign on each frontage would be allowed. Mr. Opsahl also stated Norwest Construction did his parking lot as well. Mr. Capovilla stated this work was done without a permit, which created some of the issues that need to be corrected.

Mr. Sanders explained that the green space on Roosevelt is the City's property and that sidewalks are normally installed within one foot of the private property line. Mr. Sanders felt he would prefer to leave the landscaping and green space to Staff's discretion. Mr. Capovilla stated a civil engineer could work with Mr. Opsahl and help him with parking and landscaping requirements and work to bring both closer to City requirements.

Attorney Hammer asked the Applicant if he will meet the requirements of at least 50% revenue from food and drink. Mr. Opsahl stated he will exceed that percentage.

Staff Recommendation is for Approval with (16) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a tavern and restaurant with an outdoor seating area and a video gaming facility in the name of William J. Opsahl III / Opsahl's Spin-N-Win Inc. d/b/a Opsahl's Tavern in a C-2, Limited Commercial Zoning District at 3301 & 3305 11<sup>th</sup> Street and 33XX Lapey Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised site plan indicating the current conditions of subject property.
4. Submittal of a revised site plan that includes the new location of the dumpster enclosure and dumpster detail for Staff review and approval.
5. Submittal of a landscape plan to include perimeter landscaping along Roosevelt Street, interior islands, open green space, a new concrete curbed island around the perimeter landscaping, and plant species for Staff review and approval.
6. The sale of liquor by the drink shall be limited to the submitted plans Exhibit D and E.
7. The hours of operation shall be in accordance with the Liquor Code.
8. That the existing roof sign, gaming signs and reader board be removed.
9. Window display signage is limited to 20% of window area.
10. That the windows shall not be covered with bars or other devices that block the windows.
11. The tavern and restaurant and a video gaming facility shall not have a cover charge.
12. The tavern and restaurant and a video gaming facility shall not have a dance floor.
13. The tavern and restaurant and a video gaming facility shall not have any DJs.
14. The tavern and restaurant and a video gaming facility may not have live entertainment.
15. The tavern and restaurant and a video gaming facility shall not operate as a nightclub.
16. All conditions must be met prior to establishment of use.

**015-LTAB-39**

Applicant  
Ward 01

**6876 Spring Creek Road**

Joshua Binning / Rockford Hospitality, Inc. d/b/a Rockford Bar & Bistro

**Sale of liquor by the drink** in conjunction with a restaurant, bar and video gaming

**Sale of liquor by the drink** in conjunction with an outdoor seating area in a C-3, General Commercial Zoning District

The subject property is located two lots west of the northwest corner of the intersection of Spring Creek Road and Perryville Road. Joshua Binning, Applicant, reviewed his requests for liquor sales. This is the former Pearl location. Mr. Binning has owned Lucha Cantina at Edgebrook Center for a little over two years. He also worked as the General Manager at Old Chicago for 16 years prior to opening Lucha Cantina. Mr. Binning stated his goal is to open up at this new location by the end of November of this year. Concerning condition (6) of Staff recommendation, he stated he was not intending to hire a DJ or have a dance floor, but would like the ability to occasionally rent the place out for wedding receptions (as an example) where music would be requested.

Attorney Hammer asked if he had read to and agreed to all conditions with the exception of number 6, to which Mr. Binning replied yes. He also stated he will surpass the 50% ratio of food and drink revenue required.

Scott Capovilla was agreeable to removing condition #6 after discussion with the Board.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant, bar and video gaming and the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Joshua Binning / Rockford Hospitality, Inc. d/b/a Rockford Bar & Bistro in a C-3, General Commercial Zoning District at 6876 Spring Creek Road with the elimination of condition 6. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building, fire and liquor codes.
2. The hours of operation are limited to 11:00 A.M. to 2:00 A.M. Monday through Sunday.
3. The sale of liquor by the drink is in conjunction with a restaurant.
4. The use shall not have a cover charge.
5. The use shall not have a dance floor.
6. The use shall not have any live entertainment with the exception of periodic music performance not to exceed five (5) musicians.
7. The use shall not operate as a nightclub.

With no further business to come before the Board, the meeting was adjourned at 7:40 PM.

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Liquor & Tobacco Advisory Board